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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,519	08/24/2006	Andrei Majidian	36-2004	9806

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EXAMINER	
STORK, KYLE R	
ART UNIT	PAPER NUMBER
2178	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/590,519	MAJIDIAN, ANDREI	
	Examiner	Art Unit	
	KYLE R. STORK	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 August 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/30/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This non-final office action is in response to the application filed 24 August 2006.

2. Claims 1-12 are pending. Claims 1, 6, 7, 9, and 10 are independent claims.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 30 October 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

5. The examiner accepts the drawings filed 24 August 2006.

Claim Objections

6. Claim 11 is objected to because of the following informalities: Claim 11 states, "A computer program or suite of computer programs for causing a computer or computers to. carry out the method or method steps of claim 1 during execution (claim 11)." The claim contains a period "." after the word "to." A period is used to mark the conclusion of a claim and may not be used elsewhere except for abbreviations (MPEP

609.01(m) [R-3]). For the purpose of examination, the examiner will assume that a period should not be placed after "to." However, appropriate correction is required.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 11-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per dependent claim 11, the applicant claims, "A computer program or suite of computer programs for causing a computer to. carry out the method or method steps of claim 1 during execution (claim 11, lines 1-3)." These claim limitations claim a computer program. A computer program falls outside the scope of protection offered under 35 USC 101, as a computer program is neither a machine, manufacture, composition of matter, nor a process. Therefore, claim 11 is non-statutory.

As per dependent claim 12, the applicant claims, "A carrier medium carrying the computer program or programs of claim 11 (claim 12, lines 1-12)." First, claim 12 is rejected under similar rational as claim 11, as it fails to cure the deficiencies of claim 11. Further, a carrier medium, such as a signal or carrier wave similarly falls outside the scope of 35 USC 101. Therefore, claim 12 is non-statutory.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 3-4, 6, and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Moh et al. ("Re-engineering Structures from Web Documents," 2000, hereafter Moh).

As per independent claim 1, Moh discloses a method of transmitting information between first and second electronic devices, the method including generating a validator file operable to validate or to not validation XML files according to their structure, transmitting to the second device the validator file itself or information to enable the validator file to be acquired by the second device, generating an XML file which contains the information to be transmitted structured in such a way that it is validatable by the generated validator file, transmitting the XML file to the second device and validating the XML file received by the second device, wherein the validator file is generated by:

acquiring and parsing an example XML file, the XML file having a structure which the validator file to be generated should cause to be validated, to generate a tree structured file comprising a root node and one or more subsidiary nodes each of which corresponds to an element within the example XML file and has an associated child and attribute list which contains the names of zero or more children nodes and zero or more attributes respectively (page 68: Here, Phase I discloses an XML file that is parsed.

From this parsed XML file, a document tree is created. This document tree discloses zero or more child nodes each having zero or more attributes)

acquiring and parsing any additional XML files to generate corresponding additional tree structured files (page 69: Here, Phase I discloses clustering documents containing similar structures. These similar documents are then used for the construction of a DTD)

traversing the or each tree structured file to generate an intermediate structure comprising groups of nodes in which, each time a node is encountered which does not have the same name as any previously encountered node, a new group is created in the intermediate structure and one or more details of the node in question are stored in the group, and each time a node is encountered which does have the same name as any previously encountered node its child and attribute lists are compared with those of the or each previously encountered node having the same name and if there is a match, no further entry is made in the group, but if there is a mismatch, then a new entry comprising one or more details of the node is made within the same group as the previously encountered node of the same name (page 71: Here, the construction of a spanning graph includes all unique nodes. Further, if nodes have matching names, the attributes of each node are compared. Any non-matching attributes are then added to the node (See "Observation" (page 71)))

generating the validator file based on the intermediate structure (pages 72-73: Here, a DTD is created from the spanning graph)

As per dependent claim 3, Moh discloses wherein the validator file is a DTD or an XML schema definition file (pages 72-73).

As per dependent claim 4, Moh discloses wherein the intermediate structure and the groups forming the intermediate structure are Java objects, and wherein the details of a node stored in a group are a reference to a Java object representing the node in one of the one or more tree structured files (page 69).

As per claims 6 and 9-12, the applicant discloses the limitations substantially similar to those in claim 1. Claims 6 and 9-12 are similarly rejected.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 2, 5, and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moh, and further in view of Chau et al. (US 7174327, filed 31 January 2002, hereafter Chau).

As per dependent claim 2, Moh discloses the limitations similar to those in claim 1, and the same rejection is incorporated herein. Moh fails to specifically disclose wherein the tree structure is a DOM tree. However, Chau discloses parsing an XML document to form a DOM tree (Figure 10). It would have been obvious to one of

ordinary skill in the art at the time of the applicant's invention to have combined Chau with Moh, since it would have allowed for creation of an XML tree structure.

As per dependent claim 5, Moh discloses the limitations similar to those in claim 1, and the same rejection is incorporated herein. Moh fails to specifically disclose the step of the second device processing the received file. However, Chau discloses the use of a distributed computing environment wherein XML files are passed to a plurality of devices via a network for processing (Figure 1; column 4, lines 8-50). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Chau with Moh, since it would have allowed several client computers to obtain the XML data for local processing.

As per independent claim 7, Moh discloses the method of communicating information between two or more devices within a distributed environment, the method comprising:

utilizing XML files in combination with one or more XML files representative of the data which the device intends to send to other parties to generate a validator file which is operable to validate all of the utilized XML files (pages 68-73)

using the validator files to validate any received or transmitted XML files (pages 68-73)

Moh fails to specifically disclose a plurality of device communicating via a network to send XML files to other devices. However, Chau discloses a plurality of device communicating via a network to send XML files to other devices (Figure 1; column 4, lines 8-50). It would have been obvious to one of ordinary skill in the art at

the time of the applicant's invention to have combined Chau with Moh, since it would have allowed several client computers to obtain the XML data for local processing.

As per dependent claim 8, Moh and Chau disclose the limitations similar to those in claim 7, and the same rejection is incorporated herein. Chau further discloses wherein information is communicated between three or more devices (Figure 1). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Chau with Moh, since it would have allowed for a larger base of communicated files.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KYLE R. STORK whose telephone number is (571)272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kyle Stork/
Kyle R Stork
Primary Examiner
Art Unit 2178

krs